

Practitioner's Dock # N . SP-1093.3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Wong et al.

Application No.: 09 / 912,471      Group No.: 1651  
Filed: 7/24/01      Examiner: Ware, D.  
For: UltraPure Vegetable Protein Materials

**PATENT**  
**TECH CENTER 1600/2900**  
**NOV 05 2002**  
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Assistant Commissioner for Patents  
Washington, D.C. 20231

☒ **ACTION**  
**RESPONSE TO OFFICE**      **MAILED** 10/2/02 XX  
☐ **LETTER**

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Date: 11-1-02

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Melanie D. Schacht  
Signature

Melanie D. Schacht  
(type or print name of person certifying)

(First Page of Response of Office Action or Letter [8-1.1])



Please use a plus sign (+) inside this box →



PTO/SB/21 (08-00)

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/912,494	
	Filing Date	Jul 24, 2001	
	First Named Inventor	Wong, Thoeodore M.	
	Group Art Unit	1651	
	Examiner Name	Ware, D.	
Total Number of Pages in This Submission	8	Attorney Docket Number	SP-1093.3

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Change of Correspondence Address	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Protein Technologies International, Inc.
Signature	
Date	November 1, 2002

CERTIFICATE OF MAILING			
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Type or printed name	Melanie D. Schacht	Date	November 1, 2002
Signature	Melanie D. Schacht	Date	November 1, 2002

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Attorney's Docket No. SP-1093.3

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Wong, et al.  
Serial No. : 09/912,471  
Filed : 7/24/01  
Examiner : Ware, D.  
Art Unit : 1651  
For : Ultra Pure Vegetable Protein Material

Assistant Commissioner for Patents  
Washington, DC 20231

EXPRESS MAIL CERTIFICATE

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Date of Deposit: November 1, 2002

I hereby certify that the attached: **First Page of Response of Office Action or Letter, Transmittal Form, Amendment Transmittal, and Response to Restriction Requirement** is/are being deposited with the United States Postal Service as "Express Mail" in an envelope addressed to:

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Washington, DC 20231

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Melanie Schacht  
Melanie Schacht



Practitioner Docket No. SP-1093.3

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wong et al.

Application No.: 09 / 912,471 Group No.: 1651

Filed: 7/24/01 Examiner: Ware, D.

For: Ultra Pure Vegetable Protein Materials

Assistant Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

- ☐ a small entity. A statement:  
☐ is attached.  
☐ was already filed.  
☒ other than a small entity.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10 \*

- ☒ as "Express Mail Post Office to Addressee"

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TRANSMISSION

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Melanie D. Schacht  
Signature

Date: 11-1-02

Melanie D. Schacht

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

NOTE: 37 C.F.R. § 1.704(b) "...an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$ 1,440.00	\$ 720.00

Fee: \$\_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this is a conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	MINUS	..	=	x\$9 = \$	x\$18 = \$
INDEP.	MINUS	***	=	x\$42 = \$	x\$84 = \$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+\$140 = \$	+\$280 = \$
				TOTAL ADDIT. FEE \$	OR TOTAL ADDIT. FEE \$

- \* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
  - \*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20."
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3."
- The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ \_\_\_\_\_

## FEE PAYMENT

- ☐ Attached is a ☐ check ☐ money order in the amount of \$ \_\_\_\_\_
- ☐ Authorization is hereby made to charge the amount of \$ \_\_\_\_\_
  - ☐ to Deposit Account No. \_\_\_\_\_
  - ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

- ☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

## FEE DEFICIENCY

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is not d and corrected, the application is held abandoned. In those instances where authorization t charg is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account  
No. 50-0421

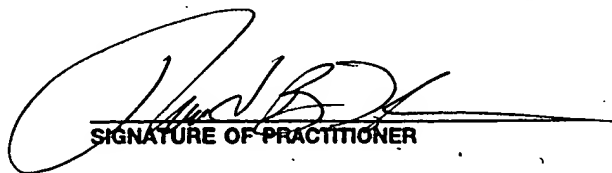
## AND/OR

- ☒ If any additional fee for claims is required, charge Account  
No. 50-0421

Reg. No.: 37,248

Tel. No.: ( 314 ) 982-3004

Customer No.:



SIGNATURE OF PRACTITIONER

Richard B. Taylor  
(type or print name of practitioner)

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